

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

RUBY THOMAS,

VS.

**COMMISSIONER, SOCIAL SECURITY
ADMINISTRATION,**

§
§
§
§
§
§

Case No. 4:13-CV743-RAS-KPJ

**MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action (Dkt. 32), this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On February 21, 2017, the report of the Magistrate Judge (Dkt. 14) was entered containing proposed findings of fact and recommendations that the decision of the Administrative Law Judge (“ALJ”) be **AFFIRMED**.

On March 8, 2017, Plaintiff Ruby Thomas filed her objections to the report (*see* Dkt. 15). On March 17, 2017, the Commissioner filed a response to Plaintiff’s objections (*see* Dkt. 17).

The court has made a *de novo* review of the objections raised by Plaintiff, and is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit as to the ultimate findings of the Magistrate Judge. The court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

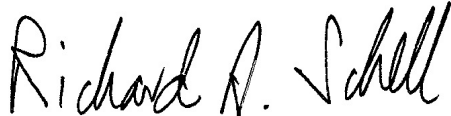
Plaintiff first objects that the Magistrate Judge improperly relied on the ALJ’s conclusions regarding the opinions of the testifying medical expert. *See* Dkt. 15 at 2-3. However, the Magistrate Judge’s report specifically addresses the ALJ’s findings regarding the opinions of Plaintiff’s treating physician, Dr. Stephens, and found that the ALJ’s conclusions were supported by

substantial evidence. Specifically, the Magistrate Judge found not only that Dr. Stephens's second opinion contained virtually no new findings and thus was of little probative value, but also that the totality of the evidence failed to support either opinion. Accordingly, the court finds no error in the Magistrate Judge's findings related to weight afforded the opinions of Dr. Stephens.

Plaintiff next objects to the Magistrate Judge's finding that substantial evidence supports the ALJ's credibility finding. *See* Dkt. 15 at 3-4. As the Magistrate Judge noted, judicial review of the Commissioner's final decision is limited to two inquiries: whether the decision is supported by substantial evidence in the record and whether the evidence was evaluated under the proper legal standard. *Greenspan v. Shalala*, 38 F.3d 232, 236 (5th Cir. 1994). The Magistrate Judge's report specifically addresses the ALJ's credibility finding and found that it was supported by substantial evidence. The court thus finds no basis for Plaintiff's argument.

It is therefore **ORDERED** that the decision of the Administrative Law Judge is **AFFIRMED**.

SIGNED this the 22nd day of March, 2017.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE